



JOHN ELIAS BALDACCI  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF CONSERVATION  
MAINE LAND USE REGULATION COMMISSION  
22 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0022

PATRICK K. McGOWAN  
COMMISSIONER

# PERMIT

## BUILDING PERMIT BP 12625

The staff of the Maine Land Use Regulation Commission, after reviewing the application and supporting documents submitted by David & Deborah Tobey for Building Permit BP 12625, finds the following facts:

1. Applicant: David & Deborah Tobey  
P.O. Box 74  
GrandLake Stream, ME 04637
2. Date of Completed Application: August 24, 2004
3. Location of Proposal: Sakom Twp., Washington County  
Lot 66 on Plan 1, Map WA016
4. Zoning: (P-GP) Great Pond Protection Subdistrict
5. Lot Size: 0.66 Acres (owned)
6. Principal Building: Existing Seasonal Camp (14.5 ft. by 25 ft.)  
Proposed Addition (17.5 ft. by 25 ft.)
7. Accessory Structures: Existing Boat House (16 ft. by 32 ft.)  
Existing Shed (8 ft. by 10 ft.)  
Proposed Shed Addition (10. ft by 12 ft.)
8. Sewage Disposal: Existing Primitive System with Pit Privy  
Proposed Combined Sewage System
9. Soil Type: 3/ C per the Maine State Plumbing Code.
10. Affected Waterbody: Fourth Machias Lake

The Commission has identified Fourth Machias Lake as a resource class 1B lake with significant wildlife and cultural resources, and outstanding fisheries resources.

11. The applicant's lot is developed with a legally existing pre-Commission seasonal camp, constructed in the 1930's. The seasonal camp is set back 81 feet from the normal high water mark of Fourth Machias Lake, 66 feet from camp road, and 37 feet from the nearest property boundary

CATHERINE M. CARROLL, DIRECTOR

[www.maine.gov/doc/lurc](http://www.maine.gov/doc/lurc)  
PHONE: (207) 287-2631  
FAX: (207) 287-7439  
TTY: (207) 287-2213

line. The seasonal camp is served by a primitive sewage disposal system. The combined footprint area of the existing structures within 100 feet of the waterbody is 874 square feet.

### Proposal

1. The applicant proposes to construct a 17.5 foot by 25 foot addition onto the seasonal camp, a 12 foot by 10 foot addition to the existing shed, and install a new combined wastewater system. The proposed camp addition would be set back 81 feet from the normal high water mark of Fourth Machias Lake, 66 feet from camp road, and 37 feet from the nearest property boundary line. The proposed camp addition within 100 feet of the waterbody would be approximately 438 square feet.

The combined area for all existing and proposed structures on the applicant's lot within 100 feet of Fourth Machias Lake would be 1312 square feet.

### Review Criteria

1. Under provisions of Section 10.26,D,1 of the Commission's Land Use Districts and Standards the minimum required setbacks for residential structures are 100 feet from Fourth Machias Lake, 50 feet from camp roads, and 15 feet from all other property boundary lines.
2. Under provisions of section 10.11,B,1 of the Commission's Land Use Districts and Standards, permits are required for all expansions, reconstructions, relocations, changes of use, or other development of nonconforming structures, uses and lots, except where specifically provided in this section 10.11. In order to obtain a permit, the applicant must meet the approval criteria in 12 M.R.S.A. Section 685-B(4) and demonstrate that the project will not adversely affect surrounding uses and resources and that there is no increase in the extent of nonconformance, except in instances where a road setback is waived by the Commission in order to increase the extent of conformance with a waterbody setback.
3. Under the provisions of Section 10.11,C,1,b of the Commission's Land Use Districts and Standards, where an addition to a legally existing nonconforming seasonal camp would be located between 75 feet and 100 feet from the normal high water mark of Fourth Machias Lake, the maximum combined area of all existing and proposed structures on the applicant's lot within 100 feet of the Fourth Machias Lake shall not exceed 1500 square feet.
4. The facts are otherwise as represented in Building Permit Application BP 12498 and supporting documents.

Based upon the above Findings, the staff concludes that:

1. The proposed addition would be in compliance with Section 10.11,B,1 of the Commission's Land Use Districts and Standards in that the proposed addition would meet the approval criteria under 12 M.R.S.A. Section 685-B(4), would not adversely affect surrounding uses and resources, and would not increase the extent of nonconformance of the original seasonal camp.

2. The proposal would be in compliance with Section 10.11,C,1 of the Commission's Land Use Districts and Standards in that the proposed addition located between 75 and 100 feet from the lake, in combination with all other existing and proposed structures on the applicant's lot within 100 feet of the lake, would have a combined area of less than 1500 square feet.
3. The proposed development complies with Sub-Chapter III of the Commission's Land Use Districts and Standards of the Commission's Land Use Districts and Standards.
4. The facts are otherwise as represented in Building Permit Application BP 12625 and supporting documents.

Based upon the above Findings, the staff concludes that if carried out in compliance with the Conditions below, the proposal will meet the Criteria for Approval, Section 685-B(4) of the Commission's Statutes, 12 M.R.S.A.

**Therefore, the staff approves the application of David & Deborah Tobey with the following conditions:**

1. The Standard Conditions (ver. 10/90), a copy of which is attached.

Notwithstanding Condition #3 of the Standard Conditions (ver. 10/90), construction activities permitted in this permit must be substantially started within two (2) years of date of issue and substantially completed within five (5) years from date of issuance of this permit. If such construction activities are not begun and completed within this time limitation, this permit shall lapse and no activities shall then occur unless and until a new permit has been granted by the Commission.

2. All structures must be set back a minimum of 81 feet from Fourth Machias Lake and 15 feet from other property boundary lines.
3. The function properly. At that time, a new sewage disposal system must be promptly installed in compliance with the Subsurface Wastewater Disposal Rules of the Maine State Plumbing Code.
4. Any activities which result in unstabilized soil conditions must comply with the General and Design Standards of Section 10.25,M,1 and 2 of the Commission's Land Use Districts and Standards, a copy of which is attached.
5. The approved sewage disposal system must be installed in the location and according to the design specified in the report prepared by the permittee's site evaluator, Stephen H. Howell, dated July 15, 2004 This installation will include a 1000 gallon septic tank and three rows of two plastic chambers. This system must not be installed until a Plumbing Permit has been obtained from the Local Plumbing Inspector.
6. The permittee must obtain a Certificate of Inspection for the sewage disposal system at the time of installation from the Local Plumbing Inspector. A copy of this certificate must be submitted to the Commission.

This permit is approved only upon the above stated conditions and remains valid only if the permittee complies with all of these conditions. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 5<sup>th</sup> DAY OF NOVEMBER, 2004.

By:   
For Catherine M. Carroll, Director